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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.164 OF 2006
IN
ARBITRATION PETITION (L) NO.29 OF 2006

The Supreme Industries Ltd.).. Petitioners

Versus

Merloni Termo Sanitary (I) Ltd.).. Respondents

Mr.Shailesh Shah i/b.U.L. Shah for the Petitioners.

Mr.K.R. Belosey for the Respondents.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 2ND AUGUST 2006

P.C.:

. The Petitioners have filed the present Motion for condoning the delay in filing the Arbitration Petition. Admittedly, the Award was passed on 21st September 2005. The Petitioners received the copy of the same on 27th September 2005. The Arbitration Petition has been filed on 20th January 2006.

2. The provisions of Section 34(3) of the Arbitration and Conciliation Act, 1996 permits the filing of the Arbitration Petition within three months from the date the Award is received by the party making the application. Under the proviso, the Court, if satisfied that the applicant was prevented by sufficient

cause from making the application within the stipulated period of three months, may entertain the application within a further period of thirty days.

3. In the present case, admittedly, the Petition has been filed after three months from the date of the receipt of the Award. However, in the affidavit in support of the Motion, the Petitioners have mentioned the reasons which prevented them from filing the Petition within the stipulated period. In my view, sufficient cause has been made out by the Petitioners to condone the delay. Delay is within the period of thirty days as stipulated under the proviso to Section 34(3) of the Act.

4. Hence, Notice of Motion allowed in terms of prayer clause (a).